

Political Constitution of Peru (*)

Official Edition

Congress of the Republic

Political Constitution of Peru

Enacted on 29th December, 1993

Published by

CONGRESS OF THE REPUBLIC

August - 2006

POLITICAL CONSTITUTION OF PERU, 1993

The President of the Democratic Constituent Congress

Whereas, this constitutional draft approved by the Democratic Constituent Congress has
been ratified in referendum of 31st October, 1993

The Democratic Constituent Congress

do establish the following Political Constitution of Peru:

(*) *N.T.: traducido del español al inglés por Juan Gotelli, Estehr Velarde y Pilar Zuazo miembros de la Oficina de Traducciones de la Biblioteca del Congreso de la República.*

PREAMBLE

The Democratic Constituent Congress invoking Almighty God, obeying the mandate of the Peruvian people and remembering the sacrifice of all preceding generations of our land, has resolved to enact the following Constitution:

POLITICAL CONSTITUTION OF PERU

TITLE I PERSON AND SOCIETY

CHAPTER I FUNDAMENTAL RIGHTS OF THE PERSON

Article 1

The defense of the human person and respect for his dignity are the supreme purpose of society and the State.

Article 2

Every person has the right:

1. to life, his identity, his moral, psychic and physical integrity and his free development and well-being. The unborn child is a rights-bearing subject, in any event which is beneficial for him;
2. to equality before the law. No person shall be discriminated on the basis of origin, race, sex, language, religion, opinion, economic situation or any other reason;
3. to freedom of conscience and religion, in an individual or collective manner. No person shall be persecuted on a basis of his ideas or beliefs. There is no crime of opinion. Public exercise of any faith is free, in so far as it does not constitute an offense against morals or a disturbance of the public peace;
4. to freedom of information, opinion, expression and dissemination of thought either orally, or in writing or by images, by any means of social communication whatsoever, and without previous authorization, censorship or impediment in accordance with the law.

Crimes committed by means of books, press and any other social media are defined by the Criminal Code and are tried in a court of law.

Any action that suspends or closes down any means of expression or prevents its free circulation constitutes a crime. The rights of information and opinion include those of founding means of communication;

5. to request information, without cause, and to receive it from any public entity within the legal term, at its respective cost. Exception is hereby made of information affecting personal privacy and that expressly excluded by law or for national security reasons.

Bank secrecy and tax reserve may be lifted at request of a judge, the Prosecutor General or a parliamentary select committee, in accordance with the law and provided that such information refers to a case under investigation;

6. to assurance that information services, whether computerized or not, either public or private, will not provide information affecting personal and family privacy;
7. to his honor and reputation, to personal and family privacy as well as to his own voice and image.

Every person affected by inaccurate statements or injured in any social medium has the right to demand free, immediate and proportionate rectification, other legal liabilities notwithstanding;

8. to freedom of intellectual, artistic, technical and scientific creation, as well as to property on such creations and to any benefit derived from it. The State promotes access to culture and encourages its development and dissemination;
9. to inviolability of home. No one may enter the dwelling or conduct any investigation or search without authorization from the inhabitant or without warrant, save *flagrante delicto* or threat of serious offence perpetration. Exceptions for reasons of health or serious risk are governed by law;
10. to secrecy and inviolability of private communications and documents.

Communications, telecommunications or any private correspondence may only be opened, seized, intercepted or confiscated with warrant issued by a judge and with all guarantees provided for by law. Any matter unrelated with the fact under examination shall be kept secret. Private documents obtained in violation of this provision have no legal effect.

Books, receipts and accounting and administrative documents are subject to inspections or audit by relevant authority in accordance with the law. Any action taken in this respect may not include removal or seizure, except by warrant;

11. to choose his place of residence, to move freely throughout the national territory and to leave the country and to return to it, except by restrictions for reasons of health or by warrant, or due to the application of the immigration act;
12. to peacefully assembly without arms. Meetings on premises, private or open to public, do not require prior notification. Meeting held in squares and

public spaces require notifying the relevant authority in advance, who may prohibit such meetings solely for proved reasons of safety or public health;

13. to associate and to establish foundations and other forms of nonprofit legal organizations without prior authorization and in accordance with the law. These organizations may not be dissolved by administrative resolution;
14. to make contracts for lawful purposes, whenever it does not contravene laws of public order;
15. to work freely in accordance with the law;
16. to property and inheritance;
17. to participate, individually or in association with others, in the political, economic, social and cultural life of the Nation. Citizens, in accordance with the law, have the right to elect, remove from office or revoke public authorities, to legislative initiative and referendum;
18. to keep in private his political, philosophical, religious or any other type of convictions, as well as to keep professional secret;
19. to ethnic and cultural identity. The State acknowledges and protects the ethnic and cultural diversity of the Nation;

Every Peruvian has the right to use his own language before any authority by means of an interpreter. Foreigners have the same right when summoned by any authority;

20. to submit petitions in writing, individually or collectively, before the competent authority, who is obliged to respond to the interested party also in writing, within the legally prescribed term and under his responsibility.

Members of the Armed Forces and the National Police may solely exercise their right to petition in an individual manner;

21. to nationality. No one shall be deprived of it. Nor may any person be deprived of the right to obtain or renew his passport inside or outside the territory of the Republic;
22. to peace, tranquility, enjoyment of leisure time and to rest, as well as to a balanced and appropriate environment for the development of his life;
23. to self-defense;
24. to freedom and personal security. In consequence:

- a. No one is obliged to do what the law does not command to do or prevented from doing what the law does not prohibit.
- b. No restrictions whatsoever to personal freedom shall be allowed, except in cases provided by law. Slavery, servitude and traffic in human beings in any form are prohibited.
- c. There is no imprisonment for debts. This provision does not restrict court orders for non fulfillment of alimony obligations.
- d. No one shall be prosecuted or convicted for any act or omission which was not previously prescribed in the law, expressly and unequivocally, as a punishable violation, or did not constitute an offence penalized by law.
- e. Every person has the right to be presumed innocent until proved guilty.
- f. No one shall be arrested without a written warrant issued by a judge for cause or by police order in case of *flagrante delicto*. The arrested person shall be placed at the disposal of the proper court within twenty-four hours or within the distance time limit.

In cases of terrorism, espionage and illicit drug trafficking, those terms shall not apply.

In such cases, police officers may make the preventive arrest of those allegedly involved for no more than fifteen calendar days. They shall notify the Office of Prosecutor General and the judge, who shall assume jurisdiction before that period of time is expired.

- g. No one shall be held incommunicado, except in cases where it is considered indispensable for clarifying a crime and in the form and for the time provided by law. The authority is obliged by law to report without delay and in writing, the place where the individual under arrest is being held.
- h. No one shall be a victim of moral, psychical or physical violence, nor be subjected to torture or inhuman or humiliating treatment. Any individual may immediately request a medical examination of the injured person or of someone who is unable to appeal to the authorities by himself. Statements obtained by means of violence are null and void. Whoever employs them, will be held liable.

Article 3

The enumeration of rights established in this chapter does not exclude others guaranteed by the Constitution, nor others of similar nature or based on the dignity of the human being, on the principles of sovereignty of the people, the democratic rule of law and the republican form of government.

CHAPTER II

SOCIAL AND ECONOMIC RIGHTS

Article 4

The community and the State extend special protection to any child, adolescent, mother or older person in situation of abandonment. They also protect the family and promote marriage, which are recognized as natural and fundamental institutions of society.

The form of marriage, grounds for separation and dissolution are governed by law.

Article 5

The stable union between a man and a woman, free of any impediment to matrimony, setting up a *de facto* family results in a community property subject to marital assets regime where applicable.

Article 6

It is the aim of the national policy on population to disseminate and promote responsible motherhood and fatherhood. It recognizes the right of families and individuals to decide. In this spirit, the State guarantees suitable education and information programs and access to such means, provided they do not harm life or health.

It is the right and duty of parents to feed, educate and protect their children. It is the duty of the children to respect and aid their parents.

All children have the same rights and duties. Any mention of the civil status of the parents and on their type of relation with the children in civil records or any other identity documents is prohibited.

Article 7

Everyone has the right to protection of his health, of his family environment and of his community, as well as it is his obligation to contribute to its development and defense.

Any individual unable to take care of himself due to a physical or mental disability has the right to respect for his dignity and to a legal protection, care, rehabilitation and security system.

Article 8

The State fights and penalizes illicit drug trafficking. Likewise, it regulates the use of social drugs.

Article 9

The State determines national health policy. The Executive branch sets standards for and oversees its enforcement. It is responsible for drafting and directing it in a pluralistic, decentralizing manner in order to facilitate everyone equal access to health services.

Article 10

The State recognizes the universal and progressive right of each person to social security for his protection from contingencies defined by law and in order to improve his quality life.

Article 11

The State guarantees free access to health benefits and pensions through public, private or joint public-private agencies. It also oversees their efficient operation.

The law establishes the agency of the national government that manages the pensions systems in charge of the State.*

Article 12

Social security funds and reserves are intangible. Resources are used in the manner and under responsibilities set forth by law.

Article 13

It is the aim of education the comprehensive development of the human being. The State recognizes and guarantees freedom of education. Parents have the duty to educate their children and the right to choose their schools and to participate in the educational process.

Article 14

Education promotes knowledge, learning and practice of the humanities, science, technology, the arts, physical education and sports. It prepares for life and work and furthers solidarity.

It is the duty of the State to promote the scientific and technological development of the country.

Ethical and civic training and the teaching of the Constitution and of human rights are mandatory in every civil or military educational process. Religious education is provided in keeping with freedom of conscience

Education is given at all levels in conformity with constitutional principles and the purposes of the corresponding educational institution.

Communications media must cooperate with the State in education and in moral and cultural formation.

* *Added paragraph by Law No.28389, published on November 17th, 2004.*

Article 15

The teaching profession in public schools is a public service career. The law sets forth the requirements for serving as principal or teacher in a school, as well as their rights and obligations. The State and the society insure their continuing evaluation, training, professionalization and promotion.

The student is entitled to an education that respects his identity and to proper psychological and physical treatment.

Any person or corporate body has the right to promote and operate educational institutions, as well as to transfer the ownership of such institutions in accordance with the law.

Article 16

Both the educational system and its governing regulations are decentralized.

The State coordinates the educational policy. It also formulates the general guidelines of school curricula as well as the minimum requirements of schools organization. It oversees their compliance and the quality of education.

It is the duty of the State to ensure that no one is prevented from receiving appropriate education on grounds of his economic situation or of mental or physical limitations.

Education enjoys priority in the allocation of ordinary resources in the National Budget of the Republic.

Article 17

Early childhood, primary and secondary education are compulsory. In public schools education is free. In public universities, the State guarantees the right to a free education to students who maintain a satisfactory performance and lack the economic resources needed to cover the cost of education.

In order to insure the greatest choice in education and to help those who cannot pay their own education, the law sets forth the method of subsidizing private education in any of its forms, including communal and cooperative.

The State promotes the establishment of schools wherever people may require them.

The State guarantees the eradication of illiteracy. It also encourages bilingual and intercultural education according to the individual characteristics of each area. It preserves the diverse cultural and linguistic manifestations throughout the country. It promotes national integration.

Article 18

It is the aim of university education the vocational training, the dissemination of culture, the intellectual and artistic creativity, as well as the scientific and technological research. The State guarantees academic freedom and rejects intolerance.

Universities are supported by public and private entities. The law sets the conditions for the authorization of their operation.

The university is a community constituted by faculty members, students and alumni. Trustees of the university also participate in it in accordance with the law.

Every university is autonomous in its regulations, governance and academic, administrative and economic systems. Universities are governed by their own statutes within the framework of the Constitution and the law.

Article 19

Universities, colleges and any other educational institution established in accordance with the law enjoy exemption from any direct or indirect tax, levied on assets, activities and services concerning their educational and cultural purposes. On the subject of import tariffs, a special arrangement for allocation of taxes may be established for specific assets.

Scholarships and grants for educational purposes will be exempt from taxes and will enjoy tax benefits in the manner and within the limits prescribed by law.

The law sets forth the tax provisions that will govern the above mentioned institutions, as well as the requirements and conditions to be met by cultural centers that, by way of exception, may enjoy the same benefits.

As for those private educational institutions that generate revenues legally defined as profits, they may be subject to income tax.

Article 20

Professional associations are autonomous institutions recognized by public law. The law determines those cases where membership in an association is mandatory.

Article 21

Archeological sites and remains, constructions, monuments, places, bibliographical documents and those from archives, art objects, tokens of historical value, expressly declared cultural assets and those provisionally presumed to be so, are the cultural heritage of the Nation, irrespective of whether they are private or public property. They are protected by the State.

The law guarantees ownership of such cultural heritage. In accordance with the law, it also promotes private participation in its preservation, restoration, exhibition and dissemination, as well as its return to the national territory, in case of being illegally taken abroad.

Article 22

Work is a right and a duty. It is the base for social welfare and a means of individual realization.

Article 23

Work in its diverse forms is a matter of priority concern for the State, which provides special protection for working mothers, minors and persons with disabilities.

The State promotes conditions for social and economic progress, in particular through policies aimed at encouraging productive employment and education for work.

No working relation can limit the exercise of constitutional rights, nor fail to recognize or disrespect the dignity of workers.

No one is obliged to work without pay or his free consent.

Article 24

The worker is entitled to an adequate and fair compensation ensuring himself and his family material and spiritual well-being.

Payment of wages and social benefits of the worker takes priority over any other obligation of the employer.

Minimum wages are regulated by the State with participation of representative organizations of workers and employers.

Article 25

The normal work day is eight hours or the normal work week is forty-eight hours at the longest. In the case of cumulative or atypical workdays, the average number of working-hours during an equivalent period may not exceed that maximum.

Workers have the right to weekly and annual paid vacations. This benefit and compensation are regulated by law or agreement.

Article 26

Following principles must be respected in labor relationships:

1. equal opportunities without discrimination;
2. the inalienability of rights recognized by the Constitution and the law, and
3. interpretation in favor of the worker in case of insurmountable doubt on the meaning of a regulation.

Article 27

The law grants the worker suitable protection against unfair dismissal.

Article 28

The State recognizes the right of workers to join trade unions, to engage in collective bargaining and to strike. It ensures their democratic exercise:

1. It guarantees freedom for forming trade unions.
2. It encourages collective bargaining and promotes peaceful settlement to labor disputes.
Collective agreements are binding in the matters concerning their terms.
3. It regulates the right to strike so that it is exercised in harmony with social interest. It defines exceptions and limitations.

Article 29

The State recognizes the right of workers for participating in enterprise profits and promotes other forms of participation.

CHAPTER III POLITICAL RIGHTS AND DUTIES

Article 30

All Peruvians above the age of eighteen are citizens. To exercise citizenship, they must be registered to vote.

Article 31

Citizens are entitled to take part in public affairs by means of referendum, legislative initiative, and removal from office or revocation of authorities and the right to demand accountability. They also have the right to be elected and to freely elect their representatives in accordance with the provisions and procedures set forth by the Act.

It is a right and a duty of residents to participate in the municipal government of their jurisdiction. The law governs and promotes direct and indirect mechanisms of this participation.

Every citizen has the right to vote in enjoyment of his civil capacity. For the exercise of this right, it is required to be properly registered.

Voting is personal, equal, free, secret and compulsory up to the age of seventy years and optional after this age. The law establishes the mechanisms to guarantee the neutrality of the State during elections and citizen participation processes.

Any act that prohibits or abridges citizenship from the exercise of rights, shall be null and punishable.*

* *Amended article by Law No. 28480, published on March 30th, 2005. Before the amendment, this article stated:*

Article 32

A referendum may be held on the following:

1. partial or complete amendment of the Constitution;
2. approval of binding rules;
3. municipal ordinances; and
4. matters on the decentralization process.

Abolition or abridgement of the fundamental rights of the person may not be submitted to referendum; neither tax and budget rules, nor international treaties in force.

Article 33

Exercise of citizenship may be suspended by:

1. judicial interdiction
2. sentence of imprisonment
3. sentence of disqualification from political rights

Article 34

Members of the Armed Forces and National Police are entitled to vote and to citizen participation governed by law. They may not be elected; neither participate in political activities or demonstrations nor engage in acts of proselytism, when they are in active duty in accordance with the law. *

Article 35

Citizens may exercise their rights in an individual manner or through political organizations, such as political parties, movements or alliances in accordance with the law. Such organizations concur to the development and expression of the will of the people. Their entry in the proper register confers legal personality on such entities.

The law sets forth the rules aiming at ensuring the proper democratic operation of political parties and the transparency concerning the origin of their financial resources

“Citizens are entitled to take part in public affairs by means of referendum, legislative initiative, and removal from office or revocation of authorities and the right to demand of accountability. They also have the right to be elected and to freely elect their representatives in accordance with the provisions and procedures set forth by the Act.

It is a right and a duty of residents to participate in the municipal government of their jurisdiction. The law governs and promotes the direct and indirect mechanisms of this participation.

Every citizen has the right to vote in enjoyment of his civil capacity. .

Voting is personal, equal, free, secret and compulsory up to the age of seventy years and optional after this age.

Any act that prohibits or abridges the citizen from the exercise of his rights, shall be null and punishable.”

*** Article amended by Law No. 28480, published on March 30th, 2005. Before the amendment, this article stated:**

“Members of the Armed Forces and National Police in duty may not elect or be elected. Any other disqualification does not exist or shall not be established.”

and free access to the state-owned social media in a proportional manner to the last general election results.

Article 36

The State acknowledges political asylum. It accepts the status of asylee determined by the State granting asylum. In the case of expulsion, the asylee shall not be returned to his country of origin, whose government persecutes him.

Article 37

The Executive Branch is the sole competent authority for granting extradition after prior opinion of the Supreme Court, in accordance with the law and treaties, and in compliance with the principles of reciprocity.

Extradition shall not be granted when it is determined that the request was motivated by persecution or punishment on grounds of religion, nationality, opinion or race.

Those persecuted by political offenses or related acts are excluded from extradition. Neither genocide, nor assassination of a political figure nor terrorism crimes are considered as such.

Article 38

All Peruvians have the duty to honor Peru and to protect national interests, as well as to respect, obey and defend the Constitution and the code of laws of the Nation.

CHAPTER IV PUBLIC SERVICE

Article 39

All public officials and civil servants are at the service of the Nation. The President of the Republic is the highest official at the service of the Nation, followed in this order of importance by the Members of Congress, Members of the Cabinet, the Members of the Constitutional Court and the Council of the Magistrature, Justices of the Supreme Court justices, the Prosecutor General of the Nation and the Ombudsman in the same ranking; and below them, the representatives of the decentralized agencies and Mayors, in accordance with the law.

Article 40

The law regulates entry into the public service, as well as the rights, duties and responsibilities of public servants. Officials holding political posts and posts of trust are not included in the civil service. No official or civil servant may hold more than one remunerated office, with the exception of one or more per teaching position.

Workers employed in state-owned enterprises or joint public and private ventures are not included in the civil service.

Periodic publication in the official gazette of incomes received for any purpose by senior officials and other civil servants as prescribed by law by virtue of their posts is mandatory.

Article 41

Officials and public servants as determined by law, or who manage or handle public funds or bodies financially supported by the State shall make a statement of property owned and of income upon assuming office, while holding it and upon leaving it. The corresponding publication is to be made in the official gazette under the terms and conditions prescribed by the law.

When there is presumption of illicit enrichment, the Prosecutor General by complaint by third parties or by virtue of his office will bring charges before the court.

The law sets forth the responsibilities of officials and civil servants, as well as the fixed time period for their ineligibility for public office.

The term for the statute of limitations for crimes against state assets is doubled.

Article 42

Rights to unionization and strike of the civil servants are acknowledged by law. State officials with decision-making powers, those in posts of trust or of management, as well as members of the Armed Forces and National Police are not included herein.

TITLE II STATE AND NATION

CHAPTER I STATE, NATION AND TERRITORY

Article 43

The Republic of Peru is democratic, social, independent and sovereign.

The State is one and indivisible.

Its form of government is unitary, representative and decentralized, and it is organized pursuant to the principle of separation of powers.

Article 44

Prime duties of the State are to defend the national sovereignty; to guarantee full enjoyment of human rights; to protect the population from threats to their security, and

to promote general welfare based on justice and the comprehensive and balanced development of the Nation.

It is also the duty of the State the establishment and implementation of the border policy and to promote integration, in particular, of Latin America, as well as development and cohesiveness of border zones, in accordance with the foreign policy.

Article 45

All power emanates from the people. Those who exercise it do so within the limitations of and under the responsibilities set forth by the Constitution and the law.

No individual, organization, Armed Force, National Police force or group of people may arrogate to themselves the exercise of such power. To do so constitutes rebellion or sedition.

Article 46

No one owes obedience to a usurper government or to anyone who assumes public office in violation of the Constitution and the law.

The civil population has the right to insurrection in defense of the constitutional order.

Acts of those who usurp public office are null and void.

Article 47

The defense of State's interests is responsibility of the State attorneys in accordance with the law. The State is exempted from payment of judicial costs and expenses.

Article 48

Official languages of the State are Spanish and, wherever they are predominant, Quechua, Aymara and other native tongues in accordance with the law.

Article 49

The capital of the Republic of Peru is the city of Lima. Its historical capital is the city of Cusco.

The symbols of the Nation are the flag with three vertical stripes in red, white and red, the coat of arms and the national hymn, as established by law.

Article 50

Within an independent and autonomous system, the State recognizes the Catholic Church as an important element in the historical, cultural, and moral formation of Peru and lends it its cooperation.

The State respects other denominations and may establish forms of collaboration with them.

Article 51

The Constitution prevails over any other legal rule, the law over other lower level provisions and so on successively. Publication is essential to enforce any legal rule of the State.

Article 52

All those born within the territory of the Nation are Peruvians by birth and also those born abroad of Peruvian father or mother and duly registered while still minors.

Those who acquire the nationality by naturalization or choice are also Peruvians, as long as they maintain a residence in Peru.

Article 53

Ways of acquisition or recovery of nationality are determined by law. Peruvian nationality cannot be lost unless by express renunciation before competent government authority.

Article 54

The territory of the Republic is inalienable and inviolable. It includes the soil, subsoil, maritime dominion and the superjacent airspace.

The maritime dominion of the State includes the sea adjacent to its coasts, as well as the seabed and subsoil thereof, extending out to a distance of 200 nautical miles measured from the baselines established by law.

In its maritime dominion, the State exercises sovereignty and jurisdiction, without prejudice to the freedoms of international communication, in accordance with the law and treaties ratified by the State.

The State exercises sovereignty and jurisdiction on the airspace over its territory and its adjacent sea up to the limit of 200 miles, without prejudice to the freedoms of international communication, in conformity with the law and treaties ratified by the State.

CHAPTER II TREATIES

Article 55

Treaties concluded by the State and in force are part of national law.

Article 56

Treaties must be approved by Congress before their ratification by the President provided that they deal with the following matters:

1. human rights;
2. State sovereignty, dominion or integrity;
3. national defense; and
4. State financial obligations.

Treaties that create, modify or eliminate taxes, those requiring modification or repeal of any law, and those requiring legislative measures for their application, must also be approved by Congress.

Article 57

The President of the Republic may conclude or ratify treaties or accede to them without previous approval by Congress in matters not contemplated in the preceding Article. In all cases, the President must notify the Congress.

When a treaty affects constitutional provisions, it must be approved by the same procedure established to reform the Constitution prior to its ratification by the President of the Republic.

Denunciation of treaties is within the power of the President of the Republic with the responsibility to notify Congress. In the case of treaties subject to approval by Congress, such denunciation requires its previous approval.

TITLE III ECONOMIC REGIME

CHAPTER I GENERALITIES

Article 58

Private initiative is free. It is exercised within a social market economy. Under this regime, the State guides the development of the country and is mainly active in employment promotion, health, education, security, public services and infrastructure areas.

Article 59

The State promotes wealth creation and guarantees the freedom to work, as well as free enterprise, trade and industry. Exercising these freedoms must not be harmful to the public morals, health or safety. The State promotes those sectors suffering from unequal opportunities for advancement. In that sense, it promotes small businesses of all types.

Article 60

The State recognizes economic pluralism. The national economy is sustained in the coexistence of diverse forms of ownership and enterprise.

Authorized solely by express law, the State may subsidiarily engage in business activities, directly or indirectly, for reasons of high public interest or manifest national convenience.

Business activity receives the same legal treatment, whether public or private.

Article 61

The State facilitates and oversees free competition. In this sense, it fights any practice that would limit it and the abuse of dominant or monopolistic positions. No law or arrangement may authorize or establish monopolies.

The press, radio, television and other means of expression and social communication and, in general, enterprises, goods, and services related to freedom of speech and communication, cannot be object of exclusivity, monopoly or hoarding, directly or indirectly, by the State or private parties.

Article 62

The freedom of contract guarantees that parties may validly negotiate according to the rules in effect at the time of the contract. Contractual terms may not be modified by laws or any other provision whatsoever. Conflicts deriving from contractual relations may solely be solved by arbitration or judicial recourse, in accordance with the protective mechanisms provided for in the contract or established by law.

By means of contracts-law, the State may provide guarantees and grant security. These may not be modified legislatively, without prejudice to the protection provided for in the preceding paragraph.

Article 63

National and foreign investments are subject to the same conditions. Goods and services production and foreign exchange are free. If another country or other countries adopt protectionist or discriminatory measures which are detrimental to the national interest, the State may, in defense of it, adopt similar measures.

In all contracts of the State and public corporations with resident aliens, these shall subject to the national laws and courts of competent jurisdiction and surrender to any diplomatic claim. Contracts of a financial nature may be excepted from national jurisdiction.

The State and other public corporations may submit their controversies arising from their contractual relation to courts specially established by virtue of treaties in effect. They can also submit them to national or international arbitration in the manner provided by law.

Article 64

The State guarantees the free possession and disposition of foreign currency.

Article 65

The State defends the interest of consumers and users. For such purpose, it guarantees the right to information on goods and services available to them on the market. Likewise, it especially watches over the health and security of the population.

CHAPTER II ENVIRONMENT AND NATIONAL RESOURCES

Article 66

Natural resources, renewable and non-renewable, are patrimony of the Nation. The State is sovereign in their utilization.

The Act determines the conditions of their use and granting to private individuals. Such concession grants the title-holders a real right subject to those legal regulations.

Article 67

The State determines the national environmental policy. It also promotes the sustainable use of its natural resources.

Article 68

The State is obliged to promote the conservation of biological diversity and of the protected natural areas.

Article 69

The State promotes the sustainable development of the Amazonia by means of appropriate laws.

CHAPTER III PROPERTY

Article 70

The right of property is inviolable. The State guarantees it. It is exercised in harmony with the common good and within the limits of the law. No one shall be deprived of his property, save, exclusively, on grounds of national security or public need determined by law and upon cash payment of the appraised value, which must include compensation for potential damages. Proceedings have been instituted before the judiciary to challenge the property value established by the State in the expropriatory procedure.

Article 71

Regarding to property, aliens, whether they be natural or juridical persons, are in the same conditions as Peruvians. Therefore, in any case, they may in no instance invoke exception or diplomatic protection.

However, within a distance of fifty kilometers from the borders, aliens may not acquire or possess under any title, directly or indirectly, mines, lands, woods, water, fuel or energy sources, whether it be individually or in partnership, under penalty of losing that so acquired right to the State. Sole exceptions are cases of public need expressly determined by executive decree approved by the Cabinet in accordance to the law.

Article 72

The law may temporarily, solely on grounds of national security, set forth specific restrictions and bans on acquisition, possession, exploitation and transfer of certain types of property.

Article 73

Property owned by government is inalienable and imprescribable. Property available for public use may be granted to private parties, in accordance with the law, for their economic development.

CHAPTER IV SPECIAL TAX TREATMENT AND BUDGET SYSTEM

Article 74

Taxes are set up, modified or abolished, and exemptions are granted exclusively by law or legislative decree in case of delegation of powers, except for tariffs and rates, which are regulated by executive decree.

Regional and local governments may set up, modify and eliminate taxes and rates or exempt the same within their jurisdiction and within the limits defined by law. In exercising its taxing power, the State shall respect the principle of the legal reservation and those concerning equality and respect for basic rights of the person. No tax shall have confiscatory nature.

Budget acts and emergency decrees shall not contain provisions on taxes. Laws concerning annual taxes come into force on the first day of January of the year following their enactment.

Tax provisions set forth in violation of this article are null and void.*

* *Article amended by Law No. 28390, published on November 17th, 2004. Before the amendment, this article stated:*

Article 75

The State guarantees payment of public debt only when contracted by constitutional governments in accordance with the Constitution and the law.

State domestic and foreign debt operations are approved in accordance with the law.

Municipalities may undertake credit transactions charged against their own resources and assets without requiring legal authorization.

Article 76

Public works and acquisition of supplies with public funds or resources shall be compulsorily based on contracts and public bidding, as well as purchasing or sale of assets.

Contracting of services and projects whose importance and amount are determined by the Budget Act is done by public bidding. The law sets forth procedures, exceptions and respective responsibilities.

Article 77

The economic, financial administration of the State is governed by the Budget Act passed annually by Congress. The public sector budget structure contains two parts: central government and decentralized agencies.

The budget allocates public resources in a fairly manner. Its programming and implementation depend on criteria of efficiency, concerning to basic social necessities and to decentralization. In accordance with the law, every circumscription shall receive an adequate share of the total incomes and revenues collected by the State for the utilization of natural resources in each zone as *canon* (overriding royalty).*

Taxes are set up, modified or abolished, and exemptions are granted exclusively by law or legislative decree in case of delegation of powers, except for tariffs and rates, which are regulated by executive decrees.

Local governments may set up, modify and eliminate taxes and rates or exempt the same within their jurisdiction and within the limits defined by law. In exercising its taxing power, the State shall respect the principle of the legal reservation and those concerning equality and respect for basic rights of the person. No tax shall have confiscatory nature.

Emergency decrees shall not contain provisions on taxes. Laws concerning annual taxes come into force on the first day of January of the year following their enactment. Budget acts shall not contain provisions on taxes.

Tax provisions set forth in violation of this article are null and void.

* **Article amended by Law No. 26472, published on June 13th, 1995. Before the amendment, this article stated:**

The economic, financial administration of the State is governed by the Budget Act passed annually by Congress.

The public sector budget structure contains two parts: central government and decentralized agencies.

The budget allocates public resources in a fairly manner. Its programming and implementation depend on criteria of efficiency, concerning to basic social necessities and to decentralization.

*In accordance with the law, every circumscription shall receive an adequate share of the tax income collected for the utilization of natural resources in each zone as *canon* (overriding royalty).*

Article 78

The President of the Republic sends the Budget bill to Congress within a deadline expiring on August 30th of each year.

On the same date, he also sends the indebtedness and financial stability bills. Budget bill shall be effectively balanced.

Loans from the Central Reserve Bank of Peru or the Bank of the Nation are not considered as fiscal revenue.

Loans shall not cover current expenditures.

Budget shall not be passed without an appropriation for the public debt service

Article 79

Members of Congress have no initiative for creating or increasing public spending, except on matters of their budget.

The Congress may not pass taxes for predetermined purposes, except upon request of the Executive Branch. In any other case, tax laws concerning benefits or exemptions require a previous report of the Ministry of Economy and Finance.

Only by express law, passed by two-thirds of the Members of Congress, a special tax treatment for a specific zone of the country may be selectively and temporarily extended.

Article 80

The Minister of Economy and Finance sustains the income statement before the Plenary Assembly of Congress. Each Minister sustains the expenditure statement of his own sector. Likewise, the Chief Justice of the Supreme Court, the Prosecutor General of the Nation and the President of the National Election Board support the statements of their own institutions.

If the enrolled bill on the Budget Act is not referred to the Executive branch by November 30th, its own bill comes into effect and is enacted by legislative decree.

The supplemental credits and allotments, and transfers of items are handled before the Congress in the same manner as the Budget Act. During the Congressional recess, they are handled in the Permanent Assembly. In order to pass them, the votes of three-fifths of the legal number of Members of Congress are required.

Article 81

The General Account of the Republic, together with audit report of the Office of Comptroller General, is submitted by the President of the Republic to Congress by November 15th of the year following the implementation of the budget.

The General Account is examined and reported by a Review Committee within 90 days following to its submission. Congress resolves within 30 days. If Congress fails to resolve within such period of time, the Review Committee submits its opinion to the Executive branch so that it enacts a legislative decree including the General Account.

Article 82

The Office of Comptroller General is a decentralized body of public law enjoying autonomy in accordance with its Act. It is the highest body the National Control System. It is responsible for overseeing the legality of implementation of the national budget, public debt operations, and activities of institutions subject to control.

Congress appoints the Comptroller General for seven years upon recommendation from the Executive branch. He may be removed by Congress for serious misdemeanor.

CHAPTER V CURRENCY AND BANKING

Article 83

The law determines the monetary system of the Republic. Issuance of bills and coins is the exclusive power of the State. Such power is exercised through the Central Reserve Bank of Peru.

Article 84

The Central Bank is an artificial person of public law. It is autonomous in conformity with its Act.

Its aim is to preserve monetary stability. Its functions are to regulate currency and credit of the financial system, to manage the international reserve under its responsibility, and other functions as provided for in its Act.

The Bank accurately and periodically informs the country about the state of the national finances under the responsibility of its Board of Directors.

The Bank is prohibited to grant financing to the public Treasury, except for the purchase on the secondary market of securities issued by the Treasury within the limits set forth by its Act.

Article 85

The Bank may conduct credit operations and agreements in order to cover temporary imbalances in its international reserves.

A legal authorization is required when the amount of such operations or agreements exceeds the limit as set forth in the budget of the public sector, which must be reported to Congress.

Article 86

The Bank is managed by a Board of Directors composed of seven members. The executive branch shall appoint four of them, including its President, who must be ratified by Congress.

Likewise, Congress votes other three members through absolute majority of the legal number of the Congressmen.

All directors of the Bank are appointed for the same constitutional term as the President of the Republic. They do not represent any particular entity or interest. Congress may remove them for serious misdemeanor. In the case of such removal, the new directors hold office by the remaining constitutional term.

Article 87

The State promotes and guarantees savings. The law provides for the obligations and limits of the enterprises, that collect savings from the public, as well as the mode and extent of such guarantee.

The Superintendency of Banking, Insurance and Private Pension Fund Management Companies is responsible to exert the control over banking and insurance, and private pension fund management companies, and other ones collecting deposits from the public, as well as any others which conduct related and similar operations, as set forth in law.

The law establishes the organization and functional autonomy of the Superintendency of Banking, Insurance and Private Pension Fund Management Companies.

The Executive branch appoints the Superintendent of Banking, Insurance and Private Pension Fund Management Companies for the period corresponding to his constitutional term of office. Congress ratifies him.*

* *Article amended by Law No. 28484, published on April 5th, 2005. Before the amendment, this article stated as follows:*

The State promotes and guarantees savings. The law provides for the obligations and limits of the enterprises, that collect savings from the public, as well as the mode and extent of such guarantee.

The Superintendency of Banking and Insurance is responsible to exert the control over banking and insurance companies, other companies collecting deposits from the public, as well as any others which conduct related and similar operations, as set forth in law.

CHAPTER VI AGRICULTURAL REGIME, RURAL AND NATIVE COMMUNITIES

Article 88

The State supports preferably the agricultural development and guarantees the right to ownership of the land, whether private, community or any other form of partnership. The law may define boundaries and land area based on the features of each zone. According to legal provision, the abandoned lands revert to State ownership, for their putting up for sale.

Article 89

The rural and native communities have legal existence and are artificial persons.

They are autonomous in their organization, community work, and usage and free disposal of their lands, as well as in the economic and administrative aspects within the framework as provided by law. The ownership of their lands is imprescriptible, except in the case of abandonment described in the preceding article. The State respects the cultural identity of the rural and native communities.

TITLE IV STRUCTURE OF THE STATE

CHAPTER I LEGISLATIVE BRANCH

Article 90

The Legislative branch shall be vested in Congress, which has a unique chamber.

There are 120 Members of Congress, elected for the term of five years through an election process organized, in accordance with the law. Candidates for the Presidency may not be on lists of congressional candidates. Candidates for Vice Presidents may simultaneously be candidates for a representation in Congress.

To be elected a Member of Congress, it is required to be a Peruvian by birth, to have attained to the age of twenty five years and to enjoy the right to vote.

Article 91

The following persons shall not be elected Members of Congress, if they have not resigned to their office six months before the election:

1. Ministers and deputy ministers and Comptroller General;
2. Members of the Constitutional Court, the National Council of the Magistrature, the Judiciary, the Office of the Prosecutor General, the National Election Board, and the Ombudsman;
3. President of the Central Reserve Bank, Superintendent of Banking, Insurance, and Private Pension Fund Management Companies and National Superintendent of Tax Administration;
4. members of the Armed Forces and the National Police on active duty; and
5. other cases as provided in the Constitution.*

Article 92

The function of Members of Congress is a full-time job. Therefore, the Members are prohibited from holding any other office or performing any profession or occupation during the time in which the Congress operates.

The term of office of Members of Congress is incompatible with any other public office, except that of Minister and, prior authorization of Congress, the participation in select committees on international affairs.

Furthermore, the function of Members of Congress is incompatible with the positions such as manager, proxy, representative, trustee, attorney, majority shareholder or members of the Board of Directors of enterprises which have work, supply or provision contracts with the State, or which manage public revenues or render public services.

The function is also incompatible with similar positions in enterprises which, during the term of office of Members of Congress, obtain concessions from the State, or those of

* *Article amended by Law No. 28607, published on October 4th, 2005. Before the amendment, this subparagraph stated:*

The following persons shall not be elected Members of Congress, if they have not left the office six months before the election:

1. *Ministers and deputy ministers, Comptroller General, and regional authorities;*
2. *Members of the Constitutional Court, the National Council of the Magistrature, the Judiciary, the Prosecutor General of the Nation, the National Election Board, and the Ombudsman;*
3. *President of the Central Reserve Bank, the Superintendent of Banking, Insurance, and Private Pension Fund Management Companies and the National Superintendent of Tax Administration: AND**

* *Subparagraph amended by Law No. 28484, published on April 5th, 2005. Before the amendment, this subparagraph stated:*

“The President of the Central Reserve Bank, the Superintendent of Banking and Insurance, the Superintendent of Tax Administration and the Superintendent of Private Pension Fund Management. AND”

- 4. *members of the Armed Forces and the National Police on active duty.*

the financial credit system supervised by the Superintendency of Banking, Insurance and Private Pension Fund Management Companies*.

Article 93

Members of Congress represent the Nation. They are not subject to any binding mandate and interpellation.

They are not responsible to any authority or jurisdictional body by votes cast or opinions expressed in the exercise of their functions.

They may not be tried or arrested without prior authorization from Congress or the Permanent Assembly. Congressmen have tenure from the time of their election to a month after terminating their office, except in the case of *flagrante delicto*, when they are placed at the disposal of Congress or its Permanent Assembly within 24 hours to determine whether their imprisonment and prosecution may be authorized or not.

Article 94

Congress drafts and passes its own Standing Rules with force of law; elects the members to serve on the Permanent Assembly and committees; defines organization and functions of parliamentary groups; manages its economy, approves its budget, appoints and removes from office its officers and employees, and grants them the benefits in accordance with the law.

Article 95

The Legislative mandate is non-renounceable.

The disciplinary penalties imposed by Congress on its Members and involving suspension from their duties may not exceed the 120 days of the session.

Article 96

Any Member of Congress may ask for any report, as deemed necessary* to Ministers, the National Election Board, the Comptroller General, the Central Reserve Bank, the Superintendency of Banking, Insurance, and Private Public Fund Management Companies, the regional and local governments and the institutions as provided in law.

The request must be made in writing and be in conformity with the Standing Rules of Congress. Failure to respond results in legal liability.

* *Paragraph amended by Law No. 2848, published on April 5th, 2005. Before the amendment, this paragraph stated:*

“The function is also incompatible with similar positions in enterprises which, during the term of office of Member of Congress, have contracts with the State, or with those of the financial credit system supervised by the Superintendent of Banking and Insurance”.

* *Paragraph amended by Law No. 28484, published on April 5th, 2005. Before the amendment, this paragraph stated: Any Member of Congress may ask for any report, as deemed necessary to Ministers, the National Election Board, the Comptroller General, the Central Reserve Bank, the Superintendency of Banking and Insurance, the local governments and the institutions as provided in law.*

Article 97

Congress may initiate investigations on any matter of public interest. At the request, the appearance before the committees responsible for such investigations is compulsory, under the same requirements as judicial proceedings.

In order to accomplish their purposes, such committees may have access to any information, which may entail the lifting of bank secrecy and of tax reserve, except information affecting personal privacy. Their conclusions are not binding to jurisdictional bodies.

Article 98

The President of the Republic is obliged to place at the disposal of Congress those members of the Armed Forces and National Police requested by the President of Congress.

The Armed Forces and National Police shall not enter the premises of Congress without the authorization from its President.

Article 99

It is the duty of the Permanent Assembly to accuse before Congress the President of the Republic, Members of Congress, Ministers, members of the Constitutional Court, members of the National Council of the Magistrature, the Justices of the Supreme Court and senior Prosecutors; the Ombudsman and the Comptroller General of the Republic, for any violation of the Constitution or any crime committed during the performance of their duties and for up to five years after they have left office.

Article 100

It is the duty of the Congress, without participation of the Permanent Assembly, to decide whether or not suspend an accused official or to declare him ineligible for public service up to 10 years, or remove from his office without prejudice to any other responsibility.

During these proceedings, the accused official has the right to defend himself or to be assisted by a council before the Permanent Assembly and Congress as a whole.

In case of a criminal indictment, the Prosecutor General files criminal charges with the Supreme Court within five days. The Justice of the Supreme Court charged of criminal affairs then initiates the criminal instruction.

Acquittal by the Supreme Court restores the political rights to the accused official. The terms of the Prosecutor's accusation and the order to open proceedings may not go beyond or reduce the terms of the Congress charges.

Article 101

Congress shall elect the members of the Permanent Assembly. The membership shall be proportional to that of the representatives in each parliamentary group and shall not exceed the twenty five percent of the whole number of Members of Congress.

It is the duties of the Permanent Assembly:

1. to appoint the Comptroller General upon recommendation of the President of the Republic;
2. to ratify the appointment of the President of the Central Reserve Bank and the Superintendent of Banking, Insurance and Private Pension Fund Management Companies* ;
3. to approve the supplemental credits, budget transfers and supplemental allotment during the parliamentary recess;
4. to exercise the delegation of legislative powers conferred by Congress. Matters relating to constitutional reform, approval of international treaties, acts (*foundation laws of State agencies*), the Budget and the General Account Act may not be delegated to the Permanent Assembly;
5. other responsibilities as set forth in the Constitution and the Standing Rules of Congress.

Article 102

Congress has the following duties:

1. to pass laws and legislative resolutions, as well as to construe, amend or repeal other laws;
2. to watch over respect for the Constitution and the laws, and to do whatever is necessary to hold violators responsible;
3. to conclude treaties, in accordance with the Constitution;
4. to pass the Budget and General Account Act;
5. to authorize loans, in accordance with the Constitution;
6. to exercise the right to amnesty;
7. to approve the territorial demarcation proposed by the Executive branch;
8. to consent the entry of foreign troops into the territory, whenever it does not affect, in any case, the national sovereignty;
9. to authorize the President of the Republic to leave the country;
10. any other duties as provided in the Constitution and those inherent in the legislative function.

* *Subparagraph amendment by Law No. 28484, published on April 5th, 2005. Before the amendment, this subparagraph stated:*
“To ratify the appointment of the President of Central Reserve Bank and the Superintendent of Banking and Insurance”.

CHAPTER II LEGISLATIVE FUNCTION

Article 103

Special laws may be passed because they are required by the nature of things, but not because of differences between persons.

Since the entry of force, the law is applied to the consequences of existing legal relations and situations and it does not have retroactive force and effects, except in both cases in criminal matter when it favors the defendant. A law is repealed only by another law. A law is null by declaration of unconstitutionality.

The Constitution does not protect abuse-of-rights doctrine* .

Article 104

Congress may delegate the power to legislate to the Executive branch through legislative decrees on specific matters and in the term established by the authorizing law.

Congress shall not delegate those non-delegable matters to the Permanent Assembly.

As to their promulgation, publication, enforcement and effects, legislative decrees are subject to the same rules governing the law.

The President of the Republic reports to Congress or the Permanent Assembly on each legislative decree.

Article 105

No bill shall be passed without previously approval of the competent ruling committee, except as provided in the Standing Rules of Congress. Bills sent by the Executive branch on an urgent basis shall have preference in Congress.

Article 106

The structure and operation of State bodies defined in the Constitution are governed by Acts, as well as other matters whose regulation by such Acts are provided for in the Constitution.

* *Article replaced by Law No. 28389, published on November 17th, 2004. Before the amendment, this article stated:*

“Special laws may be passed because they are required by the nature of things, but not because of differences between persons.

No law has retroactive force or effect, except in criminal matter when it favors the defendant.

A law is repealed only by another law. A law is null by declaration of unconstitutionality.

The Constitution does not protect abuse-of-rights doctrine.”

Bills of such Acts are processed like any other law. In order to pass or amend them, the vote of more than half of the legal number of members of Congress is required.

CHAPTER III LAW MAKING AND ENFORCEMENT

Article 107

The President of the Republic and Members of Congress have the right to initiative in making laws.

The same right, in matters of their competences, is also enjoyed by other State branches, autonomous public agencies, regional and local governments and professional associations. Also do citizens when exercising their right to initiative in accordance with the law* .

Article 108

As provided in the Constitution, the passed law is referred to the President of the Republic for enactment within fifteen days. If the President of the Republic fails to enact it, the President of Congress or the President of Permanent Assembly is responsible for its enactment, as appropriate.

If the President of the Republic has observations on the whole or a any part of the law passed by the Congress, he shall submit them to it within fifteen days.

Once the law has been reconsidered by Congress, the President thereof enacts it with the vote of more than half the legal number of the Members of Congress.

Article 109

The law comes into force from a day after its publication in the official gazette, unless otherwise provided by the same law delaying its effective in whole or in a part.

* *Article amended by Law No. 28390, published on November 17th, 2004. Before the amendment, this article stated:*

“The President of the Republic and Members of Congress have the right to initiative in making laws. The same right, in matters of their competences, is also enjoyed by other State branches, autonomous public agencies, municipalities and professional associations. Also do citizens when exercising their right to initiative in accordance with the law”.

CHAPTER IV EXECUTIVE BRANCH

Article 110

The President of the Republic is the head of the State and personifies the Nation.

To be elected President of the Republic, it is required to be Peruvian by birth, to be aged over 35 at the time of candidacy and to enjoy the right to vote.

Article 111

The President of the Republic is elected by direct suffrage. The candidate who obtains more than half of votes is elected. Invalid or blank votes are eliminated from the count.

If no candidate receives the absolute majority, a run-off election is held within 36 days following the proclamation of the official results between the two candidates with the highest relative majorities.

Two Vice Presidents are elected together with the President, in the same manner and under the same requirements and terms.

Article 112

The presidential mandate is for five years. There is no immediate reelection.

Ex-president may run again following at least one constitutional term subject to the same conditions*.

Article 113

The President of the Republic may vacate for the following reasons:

1. death of the President of the Republic;
2. his permanent physical or moral inability declared by Congress;
3. acceptance of his resignation by Congress;
4. his departure from the national territory without permission from Congress or his failure to return within the time agreed; and
5. his removal from office after having been penalized by any of the violations mentioned in Article 117 of the Constitution.

* *Article amended by Law No. 27365, published on November 5th, 2000. Before the amendment, this article stated:*

The presidential mandate is for five years. The President may be reelected immediately for an additional term. Ex-president may run again following at least one constitutional term subject to the same conditions.

Article 114

The office of President is suspended for:

1. the temporary inability of the President declared by Congress; or
2. being subject to a judicial proceedings pursuant to Article 117 of the Constitution.

Article 115

In case of a temporary or permanent incapacity of the President of the Republic, the first Vice President shall assume the duties thereof, or in his absence, the second Vice President, or in case of incapacity of both, the President of Congress; whenever it is permanent, the President of Congress may call immediately an election.

When the President leaves the national territory, the first Vice President is charged with his office or, in his absence, the second Vice President.

Article 116

The President of the Republic shall take oath prescribed by law and assume office before Congress on July 28th, corresponding to the year in which the election is held.

Article 117

During his term of office, the President of the Republic may only be accused for high treason; preventing presidential, congressional, regional, or municipal elections; dissolving Congress except in cases as set forth in Article 134 of the Constitution; and preventing the meeting or operation of Congress, National Election Board or other bodies of the election system.

Article 118

It is the duty of the President of the Republic:

1. to observe and enforce the Constitution and the treaties, laws and other legal provisions;
2. to represent the State inside and outside the Republic;
3. to manage general policy of government;
4. to ensure the domestic order and external security of the Nation;
5. to call elections for President of the Republic and Members of Congress, as well as mayors, council members and other officials, as set forth in law.
6. to convene Congress in special session; and, in this case to sign the convention decree.
7. to address messages to Congress at any time and compulsorily, either in person or in writing, at the commencement of the first regular session. Annual messages shall include detailed report on the state of the Nation, improvements and reforms the President deems necessary and relevant for the consideration by Congress. Except for the first of these, the messages of the President are approved by the Cabinet.
8. to exercise the power of regulating laws without violating or distorting them and, within these limits, to issue decrees and resolutions;

9. to observe and enforce the judgments and orders of jurisdictional bodies;
10. to observe and enforce the decisions of the National Election Board;
11. to manage the foreign policy and the international affairs; and to conclude treaties and ratify them;
12. to appoint ambassadors and ministers plenipotentiaries, upon approval by Cabinet and reporting to Congress;
13. to welcome foreign diplomatic agents and to authorize consuls to perform their duties;
14. to preside over the National Defense System, and organize, deploy and decide on the mobilization of the Armed Forces and National Police;
15. to take the necessary measures for the defense of the Republic, the integrity of the territory and the sovereignty of the State;
16. to declare the war and sign the peace, upon authorization of Congress;
17. to manage the public treasury;
18. to negotiate loans;
19. to promulgate special measures in economic and financial subject, through emergency decree with force of law, as required by national interest and reporting to Congress. Such emergency decrees may be modified or repealed by Congress;
20. to regulate customs tariffs;
21. to grant pardon and commute sentences. To exercise the grant of executive clemency to the accused, in cases where the stage of criminal instruction had exceeded the double of its term more its extension.
22. to award decorations on behalf of the Nation with the concurrence of the Cabinet;
23. to authorize Peruvians to serve in a foreign Army; and
24. to exercise the other duties of government and administration as set forth in the Constitution and law.

CHAPTER V CABINET

Article 119

The administration and management of public services are entrusted to the Cabinet and to each Minister in the matters of their portfolio.

Article 120

Acts of the President of the Republic without ministerial countersign are null and void.

Article 121

Ministers meeting as a group form the Cabinet. Its organization and duties are stipulated by law.

The Cabinet has its own President. The President of the Republic shall preside over the Cabinet when he convenes it or when he attends its meetings.

Article 122

The President of the Republic appoints and removes the President of the Cabinet from office.

Furthermore, he appoints and removes other ministers, with the advice and consent of the President of the Cabinet.

Article 123

It is the duty of the President of the Cabinet, who may be a minister without portfolio:

1. to be the authorized spokesperson for the government, after the President of the Republic;
2. to coordinate the duties of the other ministers;
3. to countersign legislative and emergency decrees, and any other decree and resolution as stated in the Constitution and the law.

Article 124

To be a Minister, it is required to be Peruvian by birth, to exercise his rights to citizenship and to have attained 25 years of age. The Armed Force and National Police members may be Ministers.

Article 125

It is the duty of the Cabinet:

1. to approve the bills submitted to Congress by the President of the Republic;
2. to approve legislative and emergency decrees enacted by the President of the Republic, as well as bills, decrees and resolutions as set forth by law.
3. to deliberate on matters of public interest.
4. other duties as set forth by the Constitution and the law.

Article 126

Any agreement of the Cabinet requires the affirmative voting of the majority of its Members and it is stated on record.

Ministers shall not hold any other public office, except legislative function.

Ministers shall neither be manager of their own interests or of third parties, nor engage in profitable activities, nor be involved in the administration or management of private enterprises or associations.

Article 127

There is no acting Minister. The President may entrust a minister, while retaining his portfolio, to assume the duties of another on grounds of incapacity, transferring function to another ministers, but such responsibility may neither exceed thirty days nor be transferable to other ministers.

Article 128

Ministers are individually responsible for their own acts and for presidential acts, which they countersign.

All ministers are jointly liable for criminal acts or acts violating the Constitution or the laws committed by the President of the Republic or agreed by the Cabinet, even when dissenting from the majority opinion, unless they immediately resign.

Article 129

The Cabinet as a whole or the Ministers separately may attend sessions of Congress and participate in its debates with the same prerogatives as Members of Congress, except that of voting if they are not Congressmen.

They also attend when they are invited for reporting.

The President of the Cabinet or at least one of his Ministers periodically attends the plenary sessions of Congress for question period.

CHAPTER VI RELATIONS WITH THE LEGISLATIVE BRANCH

Article 130

Within thirty days of having assumed his functions, the President of the Cabinet and his Ministers attend Congress to present and discuss the general policy of the Government and the main measures required for their implementation, asking for a question of confidence.

If Congress is not convened, the President of the Republic calls a special session.

Article 131

It is compulsory attendance of Cabinet or any of the Ministers whenever Congress calls them upon for interpellation.

Interpellation is made in writing and shall be submitted by at least fifteen percent of the legal number of Members of Congress. For its introduction, at least a third of the number of qualified Members is required. A vote shall be taken without fail at the following session.

Congress determines date and hour for Ministers to respond to interpellation. This may not occur or be voted upon before the third or after the tenth day of its submission.

Article 132

Congress makes effective the political liability of the Cabinet or of each Minister individually through a vote of no confidence or by defeating a vote of confidence; this latter may only be proposed by ministerial initiative.

Any motion of no confidence against the Cabinet or any Minister shall be introduced by at least twenty-five percent of the legal number of Members of Congress. It is subject to debate and voting between the fourth and tenth calendar day after its introduction. Its approval requires the vote of over half the legal number of Members of Congress.

A censured Cabinet or Minister must resign.

The President of the Republic accepts the resignation within the subsequent 72 hours.

Defeat of a ministerial initiative does not force the Minister to resign, unless its approval was made a question of confidence.

Article 133

The President of Cabinet may introduce before Congress a question of confidence on behalf of the Cabinet. A total Cabinet crisis occurs if the confidence is rejected or the President of Cabinet is censured, or if he resigns or is removed by the President of the Republic.

Article 134

The President of the Republic has the power to dissolve Congress, if it has censured or denied its confidence to two Cabinets.

Dissolution decree shall contain a call for elections for a new Congress. Such elections shall be held within the four months of the dissolution of Congress, without any alteration of the existing electoral system.

Congress may not be dissolved during the last year of its term. Once Congress is dissolved, the Permanent Assembly, which may not be dissolved, continues exercising its functions.

There is no other form to revoke the parliamentary mandate.

Under a state of siege, Congress may not be dissolved.

Article 135

Once the new Congress convenes, it may censure the Cabinet or deny it the vote of confidence after the President of the Cabinet has explained the acts of the Executive branch before Congress during the parliamentary interregnum.

During the interregnum, the Executive branch legislates through emergency decrees, which it submits to the Permanent Assembly for its examination and later submission to Congress at its commencement.

Article 136

If elections are not held within the stated term, the dissolved Congress convenes by law, regains its powers and removes the Cabinet from office. None of his Members may be appointed minister again for the rest of the presidential term.

Congress so elected replaces the previous one, including the Permanent Assembly and finishes the constitutional term of the dissolved Congress.

CHAPTER VII STATE OF EXCEPTION

Article 137

The President of the Republic, with the advice and consent of the Cabinet, may decree for a determined time period in all or part of the national territory, and report to Congress or Permanent Assembly the state of exception as provided for in this article:

1. state of emergency in case of disturbances of the peace or the domestic order, disasters, or serious circumstances affecting the life of the Nation. In this case, the exercise of constitutional right relating to personal freedom and security, the inviolability of the home, and freedom of assembly and movement in the territory as set forth in paragraphs 9, 11 and 12 of Article 2 and in paragraphs 24, subparagraph f in the same Article, may be restricted or suspended. Under no circumstances no one shall be exiled.

The state of emergency period shall not exceed 60 days. Its extension requires a new decree. Under a state of emergency, the Armed Forces may assume control over domestic order if the President of the Republic decides it.

2. state of siege, in case of invasion, foreign or civil war, or imminent danger that such events might occur, with mention to those fundamental rights whose exercise is not restricted or suspended. The applicable period shall not exceed 45 days. When the state of siege is declared, Congress convenes by law. Its extension requires Congress approval.

CHAPTER VIII JUDICIAL BRANCH

Article 138

The power of administering justice emanates from the people and the Judiciary exercises it through its hierarchical entities in accordance with the Constitution and the laws.

In any proceedings, when incompatibility exists between a constitutional and a legal rule, the judges decide for the first one. Likewise, they choose the legal rule over any other rule of lower rank.

Article 139

Principles and rights of the jurisdictional function are the following:

1. the unity and exclusivity of the Judiciary.
No independent jurisdiction exists nor shall it be established, except the military and arbitration jurisdiction.
There are no judicial proceedings by committing or delegation.
2. the independence in the exercise of the jurisdictional function.
No authority shall take over pending before the jurisdictional body or interfere in the exercise of its functions. Neither shall they invalidate orders in terms of *res judicata*, halt proceedings under way, nor modify sentences or delay their execution. These provisions do not affect the grant to executive clemency or authority of investigation by Congress, the exercise of which must nevertheless not interfere in the jurisdictional proceedings or have any jurisdictional effect.
3. the observance of due proceedings and jurisdictional protection.
No person shall be diverted from the jurisdiction predetermined by the law, nor shall anyone be subjected to proceedings other than those previously established or tried by exceptional jurisdictional bodies or special commissions created for that purpose, whatever the denomination.
4. the publicity of proceedings, unless otherwise provided by law.
Judicial proceedings involving the liabilities of public officials, crimes committed through the press, and those relating to fundamental rights guaranteed by the Constitution, are always public.
5. the written explanation of court orders at all levels, except merely procedural decrees, with express mention of the applicable law and the *de facto* grounds on which they are based on.
6. the plurality of the jurisdictional level.
7. compensation, in the manner prescribed by law, for miscarriages of justice in criminal trials and arbitrary arrests, with prejudice to any liability that may be determined.
8. the principle of not failing to administrate justice, despite of legal gap or deficiency.
In such case, the general principles of law and customary law must be applied.

9. the principle of the inapplicability by analogy of the criminal law and the laws restricting rights.
10. the principle that no one shall be punished without judicial proceedings.
11. the application of the most favorable law to the defendant in the case of doubt or conflict between criminal laws,
12. the principle that no person shall convicted in absentia.
13. the prohibition of the reopening closed cases with a final order of conviction. Amnesty, pardon, stay of execution and prescription produce the effects of *res judicata*.
14. the principle that no person shall be deprived of the right to defense at any stage of the proceedings.
Every person shall be notified immediately and in writing of the causes or reasons for his detention. In addition, he has the right to communicate in person with and be advised by the legal counsel of his choice upon being summoned or arrested by any authority.
15. the principle that every person must be informed immediately and in written of the causes or reasons for his arrest.
16. the principle of the free administration of justice and free defense for persons of limited means and for everyone in cases stipulated by law.
17. the participation of people in the appointment and removal of judges, in accordance with the law.
18. the obligation of the Executive branch to provide cooperation in trials when required.
19. the prohibition of the exercise of the judicial function by anyone who has not been appointed in the manner prescribed by the Constitution or the law. Jurisdictional bodies may not confer such a office, under penalty of liability.
20. the principle that every person has the right to make analyses and criticisms of court orders and sentences, within the limits of law.
21. the right of inmates and those convicted to be provided properly facilities.
22. the principle that the purpose of the criminal justice system is the re-education, rehabilitation, and reintegration of the convict into society.

Article 140

The death penalty shall only be applied in offense of treason in wartime and of terrorism, in accordance with the laws and the treaties, which Peru is bound.

Article 141

The Supreme Court shall rule in the final instance when the action is filed in a Superior Court or before the Supreme Court itself, as provided for by law. It will also hear annulment appeals for rulings of the Military Court , within the limits as set forth in Article 173.

Article 142

Decisions of the National Election Board concerning election matters are not subject to review before the Court, nor those of the National Council of the Magistrature with regard to evaluation and confirmation of judges.

Article 143

The Judiciary is composed of jurisdictional bodies, which administer justice on the behalf of the Nation, and of bodies that exercise their government and administration.

The jurisdictional bodies are the following: Supreme Court of Justice, and the other courts and tribunals as determined by its Acts.

Article 144

The Chief Justice of the Supreme Court is also the head of the judiciary. The plenary session of the Supreme Court is the highest body of deliberation of the Judiciary.

Article 145

The Judiciary submits its budget draft to the Executive branch and sustains it before Congress.

Article 146

The jurisdictional function is incompatible with any other public or private activity, except university teaching outside the working hours.

Judges receive only the compensation assigned in the budget and revenues earned from teaching or other functions expressly prescribed by law.

The State guarantees judges:

1. their independence. They are subject only to the Constitution and the law.
2. the irremovability of their office. They shall not be transferred without their consent.
3. their continuance in office as long as they show proper conduct and qualification for their function; and
4. a compensation ensuring them a decent standard of living in accordance with their office and rank.

Article 147

To be Justice of the Supreme Court, it is required:

1. to be a Peruvian by birth;
2. to exercise his citizenship;
3. to be at least 45 years of age; and
4. to have held the office of Justice of the Superior Court or Senior Prosecutor for 10 years, or to have practiced the law or taught at the university in legal discipline for fifteen years.

Article 148

Administrative orders which are final are susceptible to challenge through action under administrative law.

Article 149

Authorities of peasant and native communities, in conjunction with the peasant patrols, shall exercise jurisdictional functions at territorial level in accordance with customary law, provided they do not violate the fundamental rights of the individual. The law provides for the way of coordination of such jurisdiction with justice-of-the-peace court and other instances of the Judiciary.

CHAPTER IX NATIONAL COUNCIL OF THE MAGISTRATURE

Article 150

The National Council of the Magistrature is responsible for the selection and appointment of judges and prosecutors, except in case of them are chosen through popular election.

The National Council of the Magistrature is independent and is governed by its Act.

Article 151

The Academy of the Magistrature, which is part of the Judiciary, is responsible for the education and training of judges and prosecutors at all levels, for the purpose of their selection.

Approval of the special studies required by the Academy is a must for promotion.

Article 152

Justices of the Peace are chosen by the popular election.

The election, its requirements, jurisdictional performance, training and continuance in their office are governed by law.

The law may establish the election of trial judges and determine relevant mechanisms.

Article 153

Judges and prosecutors are prohibited to engage in politics, syndicate or declare themselves on strike.

Article 154

The duties of the National Council of Magistrature are the following:

1. to appoint judges and prosecutors at all levels prior merits-based recruitment and selection process and personal evaluation. Such appointments require the vote of two thirds of the legal number of its members.

2. to confirm judges and prosecutors at all levels every seven years. Those not confirmed may not be readmitted to the Judiciary or the Office of the Prosecutor General. The confirmation process is independent of the disciplinary measures.
3. to apply the penalty of removal to justices of the Supreme Court and senior prosecutors and, at the request of the Supreme Court or Board of Senior Prosecutors respectively, judges and prosecutors of all instances. The final and detailed order, following a hearing with the party in question, is not challenged.
4. to award to judges and prosecutors the official title accrediting their status

Article 155

The Members of the National Council of Magistrature, in accordance with the relevant law, are the following:

1. one elected by the Supreme Court in plenary session by secret ballot;
2. one elected by the Board of Senior Prosecutors by secret ballot;
3. one elected by the members of national Bar Associations by secret ballot;
4. two elected by the members of the other professional associations of the country, by secret ballot, and in accordance with the law;
5. one elected by the rectors of national universities; and
6. one elected by secret ballot by the rectors of private universities.

The membership of the National Council of Magistrature may be expanded by its own decision to as many as nine members, with two additional members elected by the Council by secret ballot from individual lists presented by institutions representing labor and corporate sectors.

Regular members of the National Council of Magistrature, together with their substitutes, are elected for a five-year term.

Article 156

Requirements to become a member of the National Council of Magistrature are the same as those for the Justices of the Supreme Court, except as provided by Article 147, paragraph 4. A member of the National Council of Magistrature enjoys the same benefits and rights, and is subject to the same obligations and incompatibilities as a Justice of the Supreme Court.

Article 157

The members of the National Council of Magistrature may be removed from their offices by a decision of Congress due to a serious misdemeanor, with the affirmative votes of two-thirds of the legal number of Members.

CHAPTER X OFFICE OF PROSECUTOR GENERAL

Article 158

The Office of Prosecutor General is autonomous. It is headed by the Prosecutor General of the Nation who is elected by a Board of Senior Prosecutors. The term of the office of Prosecutor General is three years, and it may be extended for another two years if reelected. Members of the Office of Prosecutor General enjoy the same rights and prerogatives, and are subject to the same duties and legal incompatibilities as their counterparts in the judiciary. Likewise, their appointment is subject to the same requirements and procedures as those of members of the judicial branch within their respective category.

Article 159

It is the duty of the Office of Prosecutor General:

1. to bring a lawsuit, *ex officio* or by private complaint, in defense of legal order or public interest protected by law.
2. to watch over the independence of jurisdictional bodies, and a fair administration of justice;
3. to represent society in legal proceedings;
4. to conduct crime investigation from the initial stage. To that purpose, the national police is obliged to enforce the orders of the Office of Prosecutor General within the scope of their authority;
5. to institute criminal proceedings *ex officio* or by private action;
6. give an opinion prior to judicial orders in cases set forth in the law;
7. to exercise legislative initiative in lawmaking, and inform the Congress or the President of the Republic about legal loopholes and errors.

Article 160

The budget draft of the Office of Prosecutor General has to be approved by the Board of Senior Prosecutors, and submitted to the Executive branch. It is sustained before the Executive and before Congress.

CHAPTER XI THE OFFICE OF THE OMBUDSMAN

Article 161

The office of the Ombudsman is autonomous. State bodies are obliged to cooperate with the office of the Ombudsman whenever it requests their help. The structure of the office of the Ombudsman, at national level, is set up by law.

The Ombudsman is elected and removed from office by the Congress with the votes of two-thirds of the legal number of Members, and enjoys the same immunity and prerogatives as Members of Congress.

To be elected Ombudsman, a candidate must be at least 35 years of age and to be an attorney-at-law. The term of the office is five years and the ombudsman does not receive a binding mandate. He has the same incompatibilities as those of the Justices of the Supreme Court.

Article 162

It is the duty of the office of the Ombudsman to defend the constitutional and basic rights of the person and the community, and to ensure the enforcement of the state administration duties, as well as the provision of public services to citizens. The ombudsman submits a report to Congress once a year and whenever this latter requests him to. He may initiate legislation, and may recommend measures to facilitate the improved performance of his duties.

The ombudsman submits the budget draft for his office to the Executive branch, which must be sustained before the Executive and before Congress.

CHAPTER XII SECURITY AND NATIONAL DEFENSE

Article 163

The State guarantees the security of the Nation by means of the National Defense System. National Defense is comprehensive and permanent. It is developed in the internal and external fields. Every person, natural or legal, is obliged to participate in the national defense, in accordance with the law.

Article 164

The direction, preparation, and the exercise of the National Defense are performed by means of a system whose organization and functions are determined by law. The President of the Republic is the head of the National Defense System.

To the effects of the national defense, the law determines the extent and procedures for mobilization.

Article 165

The Armed Forces are composed by the Army, the Navy, and the Air Force. Their essential purpose is to guarantee the independence, sovereignty and territorial integrity of the Republic. They assume control of internal order in the case of Article 137 of the Constitution.

Article 166

It is the main duty of the National Police to guarantee, maintain, and restore internal order. They protect and help people and the community. They ensure law enforcement and security of public and private property. They prevent, investigate, and fight crime. They guard and control national borders.

Article 167

The President of the Republic is the Commander in Chief of the Armed Forces and the National Police.

Article 168

Relevant Acts and regulations establish the organization, functions, specialization, training, and use of the Armed Forces and the National Police, as well as their discipline regime.

The Armed Forces organize their reserves and deploy them in accordance with the needs of the national defense, and according to law.

Article 169

The Armed Forces and the National Police are not deliberative bodies. They are subordinate to constitutional power.

Article 170

The law allocates funds for the logistics requirements of the Armed Forces and the National Police. Such funds must be earmarked for institutional purposes, under the control of the authority set forth in the law.

Article 171

The Armed Forces and the National Police take part in the economic and social development of the country, and in its civil defense, according to law.

Article 172

The Executive branch annually fixes the number of members of the Armed Forces and the National Police. Their resources are allotted in the Budget Act.

Promotions are granted in accordance with the law. The President of the Republic grants the promotions of generals and admirals in the Armed Forces, and of generals in the National Police upon recommendation of the relevant institution.

Article 173

In the case of on-duty crimes, members of the Armed Forces and the National Police are subject to their respective jurisdictions, and to the Code of Military Justice. The Code provisions do not apply to civilians except for the case of the crimes of treason, and terrorism, as determined by law. The cassation appeal referred to in Article 141 only applies when a death penalty is imposed.

Those who violate the rules of mandatory military service will also be subject to the

Code of military justice.

Article 174

Ranks and honors, salary, and retirement pensions for officers in the Armed Forces are equivalent to those of the National Police. The law determines the respective equivalences for career military or police members who lack the rank or position of an officer. In such cases, the cited rights may not be forfeited except by court rulings.

Article 175

Only may the Armed Forces and the National Police possess and use weapons of war. The weapons existing in the country, as well as those manufactured or introduced in the country become State property without any legal process or indemnification.

The manufacture of weapons of war by the private industry in those cases provided for in the law is exempted of this prohibition. The law regulates the manufacture, trade, possession, and use by private parties of weapons other than those used for war.

**CHAPTER XIII
THE ELECTORAL SYSTEM**

Article 176

The electoral system has the purpose of ensuring that elections express the free, authentic, and spontaneous will of citizens, and that vote counting mirrors the accurate and timely reflection of the will of voters expressed at the polls by direct suffrage. The basic functions of the system are planning, organizing, and holding elections, referendums or other popular consultations; also maintaining and guarding the consolidated register for identification of voters; and a record of modifications of their civil status.

Article 177

The electoral system is composed by the National Election Board, the National Office of Elections, and the National Identification and Civil Status Registry. They are autonomous and coordinate their work with each other in accordance with their authority.

Article 178

It is the duty of the National Election Board:

1. to oversee the legality of suffrage and the conduct of elections, referenda, and other popular election processes, as well as preparing electoral rolls;
2. to maintain and keep safe the register of political organizations;
3. to ensure the enforcement of rules on political organizations and other provisions concerning elections;
4. to administer justice on election matters;

5. to declare the winners in elections, and issue their credentials; as well as to announce the results of referenda or other popular consultations;
6. other functions provided for in the law.

In election matters, the National Election Board has the power to initiate legislation, and to submit to the Executive branch the budget draft for the electoral system with separate entries for each body of the system and sustains it before the Executive and then before Congress.

Article 179

The highest authority of the National Election Board is vested in its plenary assembly, composed of five members. The membership of the Board is elected as follows:

1. one elected by secret ballot by the Supreme Court from among its retired or active justices. In the latter case, the elected member is granted leave. The representative of the Supreme Court presides over the National Election Board.
2. one elected by secret ballot by the Board of Senior Prosecutors from among retired or active senior prosecutors. In the latter case, the elected member is granted leave.
3. one elected by secret ballot by Lima Bar Association from among its membership;
4. one elected by secret ballot by the Deans of Law Schools of National Universities from among their former Deans; and
5. one elected by secret ballot by the Deans of Law Schools of Private Universities from among their former Deans.

Article 180

The members of the plenary assembly of the National Election Board shall not be under 45 years of age or over 70. They are elected for a four-year term and may be reelected. The law regulates the renewal of membership in alternating elections every two years.

The office is a full-time, remunerated post. It is incompatible with any other public office except for part-time teaching.

Candidates to elective office shall not be members of the Plenary Assembly of the Election Board nor shall be citizens holding national leadership posts in political organizations, or those who have held such posts during the four years preceding their participation in elections.

Article 181

Members of the plenary assembly of the National Election Board examine facts with discretionary judgement, and resolve disputes based on the law and general principles of law. On issues concerning elections, referenda, or other popular consultation election, the Board's decisions are final and definitive, and shall not be reversed. No appeal may be filed against them.

Article 182

The head of the National Office of Elections is appointed by the National Council of Magistrature for a renewable four-year term, and he may be removed from office by the same Council for serious misdemeanor. He is subject to the same incompatibilities as those of the members of the plenary assembly of the National Election Board. His main functions are to organize elections, referenda, and other popular consultation election, including the preparation of the budget for his office, and the design of the voting ballot. It is also his duty to distribute election forms and other materials needed for elections and to announce the results. He provides continued information on vote count from the time counting starts at polling stations. He performs other duties as required by law.

Article 183

The head of the National Office of Identification and Civil Status Registration is appointed by the National Council of Magistrature for a renewable four-year term, and may be removed from office by the Council for serious misdemeanor. He is subject to the same incompatibilities as those of the members of the plenary assembly of the National Election Board.

The National Office of Identification and Civil Status Registration is in charge of the registration of births, marriages, divorces, deaths, and other acts modifying marital status. It issues the respective certificates, and prepares and keeps the electoral roll updated. Likewise, it provides the National Election Board and the National Office of Elections with the information they need to perform their duties. It keeps identification records of citizens, and issues identification documents. It performs other duties as required by law.

Article 184

The National Election Board declares the nullity of an election process, a referendum or any other popular consultation when the number of void or blank votes, jointly or separately, exceeds the two-thirds of the number of cast votes. The law may fix different ratios for municipal elections.

Article 185

In any kind of election, referendum or any other type of popular consultation, vote counting shall be performed publicly and uninterruptedly at polling stations. The results may solely be reviewed in case of material error or challenge, all of which is solved according to law.

Article 186

The National Office of Elections issues the instructions and provisions needed to keep order and safeguard personal freedom during elections. Such provisions must be enforced by the Armed Forces and the National Police.

Article 187

In case of pluripersonal elections, there is proportional representation, in accordance with the system provided for in the law.

The law contains special provisions to facilitate the voting of Peruvians living abroad.

CHAPTER XIV*

**** Chapter amended by Law No. 27680, published on March 7th, 2002. Before amendment, the chapter stated:**

CHAPTER XIV DECENTRALIZATION, REGIONS AND MUNICIPALITIES

Article 188.- Decentralization is a continued process whose aim is the comprehensive development of the country.

Article 189.- The territory of the Republic is divided into regions, departments, provinces and districts, in whose borders there is a unitary government operating in a decentralized and deconcentrated manner.

Article 190.- The regions are formed by initiative and mandate of the populations belonging to one or more contiguous departments. Adjoining provinces and districts can also integrate or change their circumscription. In both cases, a referendum is the proper procedure to follow, in accordance with the law.

Article 191.- Provincial and district municipalities, as well as delegated municipalities, in accordance with the law, are local governments agencies. They enjoy political, economic, and administrative autonomy, in the pertinent matters within their jurisdiction.

It is the duty of the municipal council to perform regulating and oversight functions; the mayor's office performs the executive functions.

The mayor and city council members are elected by direct voting for a five-year term and may be re-elected. Their mandate is revocable but non-renounceable. They enjoy the prerogatives set forth by the law.

Article 192.- It is the duty of Municipalities:

1. *to approve their internal organization and budget;*
2. *to administrate their own property and revenue;*
3. *to create, amend, and abolish municipal taxes, rates, fees, licenses, and levies;*
4. *to organize, regulate, and manage local public services within their responsibility;*
5. *to plan rural and urban development of their circumscriptions, and to execute relevant plans and programs;*
6. *to take part in the management of activities and services inherent to the State, according to law, and*
7. *other functions, in accordance with the law.*

Article 193.- The property and revenue of municipalities include:

1. *Their own property and income;*
2. *Taxes created by law in their favor;*
3. *Municipal taxes, rates, fees, licenses, and levies created by the municipal council;*
4. *The resources allotted by the Municipal Compensation Fund, created by law considering municipal taxes;*
5. *Budget transfers from the Central Government;*
6. *Resources allotted from the canon (overriding royalty)*
7. *Other resources determined by law.*

Article 194.- Municipalities may associate or make cooperative agreements among each other to execute common works and public services.

DECENTRALIZATION

Article 188

Decentralization is a form of democratic organization, and a mandatory, continued policy of the State, whose essential purpose is the comprehensive development of the country. The decentralization process is carried out by stages, in a progressive and orderly manner according to criteria allowing proper distribution of jurisdictions and resource transfer from the national Government to local and regional governments.

The branches of Government and autonomous state institutions, as well as the national budget of the Republic, are decentralized in accordance with the law.

Article 189

The territory of the Nation is divided into regions, departments, provinces, and districts, where a unitary government is exercised and organized at national, regional and local levels, in the terms defined by the Constitution and the law, and preserving the integrity and unity of the State and the Nation.

The regional level of government comprises regions and departments. The local level of government comprises provinces, districts and villages.

Article 195.- The law regulates the cooperation between the National Police and municipalities regarding citizen security.

Article 196.- The capital of the Republic, provincial capital cities with metropolitan status, and department capital cities in national border areas have special treatment in the Municipalities Act. The same special treatment applies to the Constitutional Province of Callao, and provinces in national border areas.

Article 197.- Regions enjoy political, economic, and administrative autonomy in the matters within their competences. Within their jurisdiction, they manage the coordination, and execution of regional socioeconomic plans and programs, as well as the management of activities and services inherent to the State, according to the law. The law establishes their property and revenue.

Regions support local governments. They do not replace them, or duplicate their action and jurisdiction.

Article 198.- Organized structure of Regions, and their specific functions are determined in its Act. The highest regional authorities are the President and the Regional Coordination Council. The President of the Region is elected by direct suffrage for a five-year term, and may be reelected. Their mandate is revocable but non-renounceable. They enjoy the prerogatives set forth in the law.

The Regional Coordination Council is comprised by the number of members set forth in the law. Provincial mayors or their representatives are ex officio members of said Council.

Article 199.- Regions and municipalities are accountable for the execution of their budgets to the Office of the General Comptroller of the Republic. They are overseen in accordance with the law.

Article 190

Regions are created on the basis of contiguous areas with historical, cultural, administrative, and economic relations, thus comprising sustainable geo-economic unities.

The regionalization process will begin by electing regional governments in the current departments and the Constitutional Province of Callao. These are regional governments. Two or more contiguous departments may become a region by conducting a confirming referendum, according to law. Likewise, two or more contiguous provinces and districts may change their regional constituency by following the same procedure.

Additional authorities and faculties, as well as special incentives, to these newly formed regions will be determined by law.

While the integration process is underway, two or more regional governments may create coordination mechanisms between them. The relevant law will regulate these mechanisms.

Article 191

Regional governments enjoy political, economic, and administrative autonomy on pertinent matters within their jurisdiction. They coordinate with municipalities without interfering in their functions and authorities. The basic organic structure of these governments comprises the Regional Council as the regulatory and oversight body; the President as the executive organ; and the Regional Coordination Council formed of provincial mayors and representatives of civil society, as a consultative body to coordinate with municipalities, with their functions and authorities set forth in the law.

The Regional Council will have a minimum of seven (7) members and a maximum of twenty-five (25) being at least one (1) for each province, and the rest following a criterion of electoral population, in accordance with the law.

The President is elected, together with a Vice-President, by means of direct elections for a four-year term, and may be reelected. The members of the Regional Council are elected likewise, and for the same term. The mandate of such authorities is, according to law, revocable but non-renounceable unless due to cases provided for in the Constitution.

In order to run for the office of President of the Republic, Vice-President, Member of the National Parliament, or Mayor, the presidents of regional governments must resign their office six months in advance of the respective election. The law determines the minimum percentage to facilitate representation of women, rural and indigenous communities, and aboriginal peoples in regional councils. The same applies for municipal councils.*

* *Article amended by Law No. 28607, published on October 4th, 2005. Before its amendment, the article stated:*

“Regional governments enjoy political, economic, and administrative autonomy on pertinent matters within their jurisdiction. They coordinate with municipalities without interfering their functions and authorities. The basic organic structure of these governments comprises a Regional Council as the regulatory and supervisory body; the President as the executive organ; and the Regional Coordination

Article 192

Regional governments further regional development and economy, promote investments, public services and activities within their responsibility, and in harmony with national and local development plans and policies.

It is their duty:

1. to approve their internal organization and budget;
2. to formulate and adopt a regional development plan, agreed with the relevant municipalities and the civil society;
3. to administrate their property and revenue;
4. to regulate and issue permits, licenses and authorizations on the services under their responsibility;
5. to encourage regional socioeconomic development and execute the corresponding plans and programs;
6. to issue the rules concerning regional management;
7. to promote and regulate activities and/or services regarding agriculture, fishing, industry, agriculture-based industry, trade, tourism, energy, mining, roads, communications, education, health, and environment, according to law;
8. to encourage competitiveness, investments, and financing for the development of infrastructure projects and works at regional level;
9. to initiate legislation on pertinent matters and issues within their jurisdiction;
10. to execute other functions inherent to their authority, in accordance with the law.

Article 193

The property and revenue of regional governments are the following:

1. their own chattel and real property;
2. specific fund transfers provided for in the Annual Budget Act;
3. taxes created by law in their favor;
4. economic benefits originated in privatizations, concessions, and services they offer, in accordance with the law;
5. resources from the Regional Compensation Fund, with a redistributive character, according to law;
6. resources allotted from the canon (overriding royalty);

Council formed of provincial mayors and representatives of civil society, as a consultative body to coordinate with municipalities, with their functions and authorities set forth in the relevant legislation. The Regional Council will have a minimum of seven members and a maximum of 25 being at least one for each province, and the rest following a criterion of electoral population, in accordance with the relevant law.

The President is elected, together with a Vice-President, by means of direct elections for a four-year term, and may be reelected. The members of the Regional Council are elected likewise, and for the same term. The mandate of such authorities is revocable but non-renounceable,, according to law.

The law determines the minimum percentage to facilitate representation of women, rural and indigenous communities, and aboriginal peoples, in regional councils. The same applies for municipal councils.”

7. resources resulting from their financial operations, including those performed with State guarantee, in accordance with the law;
8. others provided for by law.

Article 194

Provincial and district municipalities are bodies of local government. They enjoy political, economic, and administrative autonomy on the matters within their jurisdiction. Municipalities of villages are created pursuant to law.

The structure of local governments comprises the Municipal Council as the regulatory and oversight body, and the office of the Mayor as the executive organ, with their functions and powers as provided by law.

Mayors and city council members are elected by direct voting for a four-year term, and may be reelected. According to law their mandate is revocable but non-renounceable unless for the cases provided for in the Constitution.

In order to run for the office of President of the Republic, Vice-President, Member of the National Parliament or president of a regional government, mayors must resign their office six months in advance of the respective election* .

Article 195

Local governments promote local development and economy, and the delivery of public services within their responsibility, and in harmony with national and regional development plans and policies.

It is their duty:

1. to approve their internal organization and budget;
2. to adopt a local development plan, agreed with the civil society;
3. to administrate their own property and revenue;
4. to create, amend, and abolish municipal taxes, rates, fees, licenses, and levies, in accordance with the law;
5. to organize, regulate, and manage local public services within their responsibility;
6. to plan rural and urban development of their circumscriptions, including zoning, and city and site planning;
7. to encourage competitiveness, investments, and financing for the development of projects and works of local infrastructure;

* **Article amended by Law No. 28607, published on October 4th, 2005. Before amendment, the article stated:**

“Provincial and district municipalities are bodies of local government. They enjoy political, economic, and administrative autonomy on the matters within their jurisdiction. Municipalities of villages are created pursuant to law.

The structure of local governments comprises the Municipal Council as the regulatory and oversight body, and the Mayor’s office as the executive organ, with the functions and powers as set forth in the relevant law.

Mayors and council members are elected by direct suffrage for a four-year term, and may be reelected. According to law their mandate is revocable but non-renounceable.”

8. to develop and regulate activities and/or services regarding education, health, housing, sanitation, environment, sustainability of natural resources, public transportation, circulation and traffic, tourism, preservation of archeological and historical monuments, culture, recreation, and sport, according to law;
9. to initiate legislation on pertinent matters and issues within their jurisdiction;
10. to execute other functions inherent to their authority, according to law.

Article 196

The property and revenue of municipalities are the following:

1. their own chattel and real property;
2. taxes created by law in their favor;
3. municipal taxes, rates, fees, licenses, and duties created by municipal ordinances, according to law;
4. economic benefits originated in privatizations, concessions, and services they offer, in accordance with the law;
5. resources allotted to the Municipal Compensation Fund, with a redistributive nature, according to law;
6. specific budget transfers provided for in the Annual Budget Act;
7. resources allotted from canon (overriding royalty);
8. resources resulting from their financial operations, including those performed with State guarantee, according to law;
9. other resources determined by law.

Article 197

Municipalities promote, support, and regulate citizen participation in local development. Additionally, they offer citizen security services in cooperation with the National Police of Peru, according to law.

Article 198

The capital city of the Republic does not belong to any region. It enjoys special treatment in decentralization laws, and in the Municipalities Act. Lima Metropolitan Municipality exerts jurisdiction within the territory of the province of Lima.

Likewise, municipalities located on border zones receive special treatment in the Municipalities Act.

Article 199

Local and regional governments are controlled by their own oversight bodies and by those other bodies set forth in the Constitution or any other statute. They are subject to control and supervision by the Office of Comptroller General, which executes a decentralized and continued oversight system. Such governments formulate their budgets with citizen participation, and are accountable for their annual execution, in accordance with the law.

TITLE V CONSTITUTIONAL PROTECTIONS

Article 200

The constitutional protections are the following:

1. The writ of *habeas corpus*, which operates in case of an act or omission by any authority, official or person, which violates or threatens individual freedom or related constitutional rights;
2. The writ of *Amparo*, which operates in case of an act or omission by any authority, official, or person, which violates or threatens the other rights recognized by the Constitution. It does not take effect against legal rules or court orders from regular judicial proceedings* .
3. The writ to *habeas data*, which operates in case of an act or omission by any authority, official, or person, which violates or threatens the rights referred to in Article 2, paragraphs 5, and 6 of this Constitution* ;
4. The writ of unconstitutionality, which operates against rules with the status of a law: laws, legislative decrees, emergency decrees, treaties, standing rules of Congress, regional general regulations, and municipal ordinances that infringe upon the Constitution either in form or in substance;
5. The writ of popular action which operates in case of infringement of the Constitution and the law, against regulations, administrative rules, and general resolutions and decrees, irrespective of the authority that issues these rules; and
6. The writ of *mandamus* which operates against any authority or official who refuses to abide by a legal rule or administrative act, without prejudice to any legal liabilities.

The Act regulates the exercise of these protections and the effect of the declaration of unconstitutionality or illegality of a rule or statute.

The exercise of the writ of *habeas corpus* and the writ of *Amparo* is not suspended during the enforcement of the states of exception referred to in Article 137 of the Constitution. When petitions concerning these constitutional rights are filed with regard to restricted or suspended rights, the corresponding jurisdictional body examines the reasonability and proportionality of the restrictive act. The judge is not entitled to challenge the declaration of the state of emergency or siege.

***Paragraph amended by Law No. 26470, published on June 12, 1995. Before amendment, the article stated:**

“2. The writ of Amparo, which operates against an act or omission by any authority, official, or person who violates or threatens the other rights recognized by the Constitution. It does not take effect against legal rules or court orders from regular judicial proceedings”.

***Paragraph amended by Law No. 26470, published on June 12, 1995. Before amendment, the article stated:**

“3. The writ to habeas data, which operates against the act or omission by authority, official, or person, which violates or threatens the rights referred to in Article 2, paragraphs 5, 6 and 7 of this Constitution”.

Article 201

The Constitutional Court watches over the constitution. It is autonomous and independent. It comprises seven members who are elected for a five-year term.

In order to become a member of the Constitutional Court, a magistrate must fulfill the same requirements as those for Justices of the Supreme Court. Members of the Constitutional Court enjoy the same immunity and prerogatives as Members of Congress. The same incompatibilities apply to them, and they shall not be immediately reelected.

Members of the Constitutional Court are elected by Congress with the positive vote of two-thirds of the legal number of members. Judges and prosecutors who have not resigned their offices a year in advance are not eligible for Constitutional Court magistratures.

Article 202

It is the duty of the Constitutional Court:

1. to hear, in original jurisdiction, the writ of unconstitutionality;
2. to hear, as a court of last resort, orders refusing petitions of *habeas corpus*, *Amparo*, *habeas data*, and *mandamus*; and
3. to hear disputes over jurisdiction or hear over powers assigned by the Constitution, in accordance with the law.

Article 203

The following are entitled to bring a writ of unconstitutionality:

1. the President;
2. the Prosecutor General;
3. the Ombudsman;
4. 25% of the legal number of Members of Congress;
5. 5,000 citizens whose signatures will be verified by the National Election Board. If the statute under question is a municipal ordinance, it may be challenged by one percent of citizens from the respective territorial division, provided that this percentage does not exceed the number of signatures cited above;
6. Regional Presidents, with the advise and consent of the Regional Coordination Council or provincial mayors acting upon the consent of their councils, in matters within their jurisdiction;
7. professional associations on matters within their fields.

Article 204

The ruling of the Constitutional Court declaring the unconstitutionality of a piece of legislation is published in the official gazette. The law becomes ineffective on the day following such publication.

The ruling of the Court declaring a statute to be, wholly or in part, unconstitutional does not have retroactive effects.

Article 205

Once all legal resorts provided for by national legislation have been used and denied, the party deeming itself injured in terms of the rights granted by the Constitution may appeal to international courts or bodies established by treaties or agreements of which Peru is bound.

TITLE VI CONSTITUTIONAL REFORM

Article 206

Any initiative of constitutional reform must be adopted by Congress with the vote of the absolute majority of the legal number of its Members and said reform must be ratified by a referendum. The referendum may be exempted when the consent of Congress is obtained in two successive regular sessions with a favorable vote, in each case, greater than two-thirds of the legal number of Members of Congress. A law concerning a constitutional reform shall not be objected by the President of the Republic.

The right to initiate a constitutional reform corresponds to the President with the approval of the Cabinet, to Members of Congress; and to a number of citizens equivalent to 0.3 percent of the voting population, with their signatures being verified by the corresponding electoral authority.

FINAL AND TRANSITORY PROVISIONS

FIRST.- The pension scheme set forth by decree-law 20530 is declared officially closed. Therefore, as soon as this constitutional reform goes into effect:

1. new admissions or readmissions to decree-law 20530 pension scheme are prohibited;
2. those workers who, while eligible to join that pension scheme, have not qualified to receive their corresponding pension, will have to choose between the National Pension System and the Private System of Pension Funds Management Companies.

Due to reasons of social interest, the new pension rules set forth in the relevant law will apply immediately to workers and pensioners of pension schemes run by the State, as it corresponds. The adjustment of pension levels with salary levels is prohibited, as well as the reduction of the amount of pensions smaller than one tax unit fee. The relevant law will provide for a progressive application of limits to pensions exceeding one tax unit fee.

The budget savings stemming from the application of new pension rules will be used to

increase the lowest pensions, in accordance with the law.

The modifications introduced to current pension schemes, as well as the new pension schemes to be established in the future, will have to abide by the financial sustainability and non-adjustment criteria.

The National Government, through its relevant agency, will start legal proceedings aimed to obtain the judicial declaration of nullity for those illegally-obtained pensions, save those protected by *res judicata* sentences that have expressly determined the merits of a case, or those whose actions have expired*.

SECOND.- The State guarantees the timely pay and periodic adjustment of pensions under its administration, in accordance with the budget provisions made for such purposes and the possibilities of the national economy.

THIRD.- As long as there continue to exist different systems of work between private and public sectors, in no case and for no reason shall the benefits acquired under the two systems be accumulative. Any actions or orders contradicting this provision are null and void.

FOURTH.- Rules concerning the rights and freedoms recognized by this Constitution are construed in accordance with the Universal Declaration of Human Rights and international treaties and agreements on those rights, which have been ratified by Peru.

FIFTH.- Municipal elections alternate with general elections so that the former are held halfway through the presidential term, in accordance with the law. To that effect, the term of mayors and council members elected during the next two municipal elections will last three and four years respectively.

SIXTH.- The term of mayors and council members elected in the 1993 election and its supplementary elections ends on December 31st, 1995.

SEVENTH.- The first general election process to take place after this Constitution takes effect will be held using the single constituency system, while the decentralization process continues.

EIGHTH.- The provisions of this Constitution so requiring are the subject of constitutional development laws.

The following provisions have priority:

1. decentralization rules, and, among them, those facilitating the election of new authorities in 1995 at the latest; and

First Final and Transitory Provision amended by Law No. 28389, published on November 17th, 2004.
Before amendment, this provision stated:

“The new mandatory social regimes to be established on pension schemes for new public workers, will not affect rights legally obtained, particularly the pension schemes established by law-decrees 19990 and 20530, and their amendments”.

2. those concerning the mechanisms and process to gradually eliminate legal monopolies granted in concessions and licenses for public services.

NINTH.- The renewal of membership of the National Election Board, established according to this Constitution, begins with those elected by the Lima Bar Association and law schools of national universities.

TENTH.- The law provides for the manner how officials and employees as well as offices of vital records of local governments and those of the election register shall merge into the National Office of Identification and Civil Status Registration.

ELEVENTH.- The provisions of this Constitution requiring new or increased public expenses are applied gradually.

TWELFTH.- The departmental political organization of the Republic includes the following departments: Amazonas, Ancash, Apurímac, Arequipa, Ayacucho, Cajamarca, Cusco, Huancavelica, Huanuco, Ica, Junín, La Libertad, Lambayeque, Lima, Loreto, Madre de Dios, Moquegua, Pasco, Piura, Puno, San Martín, Tacna, Tumbes, Ucayali, and the Constitutional Province of Callao.

THIRTEENTH.- Until the regions are established and regional presidents are elected according to this Constitution, the Executive branch determines the jurisdiction of the Transitory Councils of Regional Administration now in operation, pursuant to the area of each of the departments established in the country.

FOURTEENTH.- Once adopted by the Democratic Constitutional Congress, this Constitution goes into effect in accordance with the result of the referendum regulated by constitutional law.

FIFTEENTH.- The provisions of this Constitution relating to the number of Member of Congress, term of legislative mandate, and Permanent Assembly do not apply to the Democratic Constitutional Congress.

SIXTEENTH.- Once promulgated, this Constitution replaces the 1979 Constitution.

SPECIAL TRANSITORY PROVISIONS*

FIRST.- The President and the Vice-Presidents of the Republic elected in the last 2000 general elections will terminate their mandates on July 28th 2001. Members of Congress elected in the same electoral process will terminate their representation on July 26th 2001. As an exception, the terms set forth in Articles 90 and 112 of this Constitution do not apply to them.

SECOND.- To the effects of the election process to be held in 2001, the term provided for in the first paragraph of Article 91 of this Constitution will be four months.

* *Special transitory provisions added by Law No. 27365, published on November 5th, 2000.*

DECLARATION

THE DEMOCRATIC CONSTITUTIONAL CONGRESS

DECLARES hereby that Peru, a country in the Southern Hemisphere, connected to Antarctica through its projecting coastlines, as well as by ecological factors and historical background; and according to the rights and obligations it enjoys as a consultative party to the Antarctic Treaty, encourages the preservation of Antarctica as a Zone of Peace devoted to scientific research, and the enforcement of an international regime which, without impairing the legitimate rights of our Nation, furthers, in the benefit of all mankind, a rational and equitable development of Antarctica resources, and ensures the protection and preservation of the ecosystem of that continent.

TABLE OF CONTENTS

TITLE I PERSON AND SOCIETY Articles 1 – 42

CHAPTER I FUNDAMENTAL RIGHTS OF THE PERSON Articles 1 – 3

CHAPTER II SOCIAL AND ECONOMIC RIGHTS Articles 4 – 29

CHAPTER III POLITICAL RIGHTS AND DUTIES Articles 30 – 38

CHAPTER IV PUBLIC SERVICE Articles 39 - 42

TITLE II STATE AND NATION Articles 43 - 57

CHAPTER I STATE, NATION AND TERRITORY Articles 43 – 54

CHAPTER II TREATIES Articles 55 – 57

TITLE II STATE AND NATION Articles 43 – 57

CHAPTER I
STATE, NATION AND TERRITORY
Articles 43 – 54

CHAPTER II
TREATIES
Articles 55 – 57

TITLE III
ECONOMIC REGIME
Articles 58 – 89

CHAPTER I
GENERALITIES
Articles 58 – 65

CHAPTER II
ENVIRONMENT AND NATIONAL RESOURCES
Articles 66 – 69

CHAPTER III
PROPERTY
Articles 70 – 73

CHAPTER IV
SPECIAL TAX TREATMENT AND BUDGET SYSTEM
Articles 74 – 82

CHAPTER V
CURRENCY AND BANKING
Articles 83 – 87

CHAPTER VI
**AGRICULTURAL REGIME,
RURAL AND NATIVE COMMUNITIES**
Articles 88 – 89

TITLE IV
STRUCTURE OF THE STATE
Articles 90 – 199

CHAPTER I
LEGISLATIVE BRANCH
Articles 90 – 102

CHAPTER II
LEGISLATIVE FUNCTION
Articles 103 – 106

CHAPTER III
LAW MAKING AND ENFORCEMENT
Articles 107 – 109

CHAPTER IV
EXECUTIVE BRANCH
Articles 110 – 118

CHAPTER V
CABINET
Articles 119 – 129

CHAPTER VI
RELATIONS WITH THE LEGISLATIVE BRANCH
Articles 130 – 136

CHAPTER VII
STATE OF EXCEPTION
Article 137

CHAPTER VIII
JUDICIAL BRANCH
Articles 138 –149

CHAPTER IX
NATIONAL COUNCIL OF THE MAGISTRATURE
Articles 150 –157

CHAPTER X
OFFICE OF PROSECUTOR GENERAL
Articles 158 –160

CHAPTER XI
THE OFFICE OF THE OMBUDSMAN
Articles 161 –162

CHAPTER XII
SECURITY AND NATIONAL DEFENSE
Articles 163 –175

CHAPTER XIII
THE ELECTORAL SYSTEM
Articles 176 –187

CHAPTER XIV
DECENTRALIZATION
Articles 188 –199

TITLE V
CONSTITUTIONAL PROTECTIONS
Articles 200 –205

TITLE VI
CONSTITUTIONAL REFORM
Article 206

FINAL AND TRANSITORY PROVISIONS
SPECIAL TRANSITORY PROVISIONS

APPENDIX

DECLARATION